THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO.13465 OF 2007

DATED: 05-07-2007

Between :

R. Srinivasu .. Petitioner

And

1. The Assistant Director, Mines & Geology,
   Anakapally, Visakhapatnam District
   And another. … Respondents

THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO.13465 OF 2007

ORDER :

This writ petition is filed seeking a declaration that the order dated 25-5-2007 passed by the 1st respondent – Assistant Director of Mines & Geology whereunder a sum of Rs.3,32,020/- was demanded towards the seigniorage charges together with penalty for storage of sand at the back side of his house as arbitrary and illegal.

Though the petitioner does not dispute that a show-cause notice dated 11-5-2007 was issued by the 1st respondent, it is stated that he made a representation requesting for further time for submitting his explanation, however, without considering the said request, the impugned order was passed.

A perusal of the impugned order shows that after receiving the show-cause notice, the petitioner did not submit his explanation within the time prescribed and consequently the impugned order came to be passed assuming that the petitioner is not contesting the levy of seigniorage charges. Aggrieved by the said order, this writ petition is filed.

I have heard the learned Counsel for the petitioner and the learned Counsel appearing for the respondents.

Admittedly the impugned order was passed without taking into consideration the version of the petitioner. Having regard to the reasons explained by the petitioner for his inability to submit the explanation within the time granted and particularly since the impugned order is penal in nature involving civil consequences, it would be appropriate to afford a further opportunity to submit his

explanation to the show-cause notice dated 11-5-2007.

Accordingly, the impugned order dated 25-5-2007 is hereby set aside and the Writ Petition is disposed of granting liberty to the petitioner to submit his explanation to the show-cause notice dated 11-5-2007 on or before 16-7-2007. If the explanation is submitted within the time fixed above, the 1st respondent shall consider the same and pass appropriate orders in accordance with law afresh. No costs.

_____

G. ROHINI, J.

Dt. 05-07-2007

gbs

Note:- CC in 2 days.